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E-Filing

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Communities for a Better
Environment, a California non-profit
corporation,

Plaintiff,

v.

Action Metal Recycling, Inc., a
California corporation,

Defendant.

CASE NO: C07-02768 JCS

**STIPULATION TO EXTEND TIME
FOR FILING RESPONSIVE
PLEADING & EXCHANGE OF
RULE 26(a)(1) INITIAL
DISCLOSURES**

*Pursuant to Fed. R. Civ. P. 6(b)(1),
Local Rule 6-1.*

Magistrate Judge: Joseph C. Spero

(Federal Water Pollution Control Act, 33
U.S.C. §§ 1251 et seq.)

IT IS HEREBY STIPULATED by and between the parties, through their
respective attorneys of record, that Plaintiff Communities for a Better Environment
("Plaintiff") and Defendant Action Metal Recycling, Inc. ("Defendant"), hereby
stipulate and agree as follows:

WHEREAS, Plaintiff filed its Complaint against Defendant on May 25, 2007;

WHEREAS, Plaintiff served the Complaint on Defendant on July 13, 2007;

WHEREAS, the parties appeared before this Court for a Case Management
Conference on August 31, 2007,

WHEREAS, the Court granted the parties ninety (90) days to mediate the

1 matter, continuing the Case Management Conference to November 30, 2007;

2 WHEREAS, Plaintiff and Defendant are engaged in mediation pursuant to
3 Local Rule 6-3(a) with a court appointed mediator;

4 WHEREAS, the parties previously stipulated to extend the deadline for filing
5 responsive pleading to August 31, 2007 and then to September 21, 2007;

6 WHEREAS the parties previously stipulated to exchange initial disclosures by
7 September 21, 2007;

8 WHEREAS, the Defendant desires additional time to prepare and file
9 responsive pleading in light of the mediation;

10 WHEREAS, the parties desire additional time to prepare and exchange
11 Federal Rules of Civil Procedure ("FRCP") Rule 26(a)(1) Initial Disclosures in
12 light of the mediation; and

13 WHEREAS, the parties desire to extend the date by which Defendant must file
14 responsive pleading and to extend the date for the exchange of FRCP Rule 26(a)(1)
15 Initial Disclosures.

16 NOW, THEREFORE, BASED ON THE FOREGOING FACTS, THE
17 PARTIES HEREBY STIPULATE THAT:

18 1. The parties have extended the date for exchange of FRCP Rule
19 26(a)(1) Initial Disclosures to November 2, 2007; and

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1 2. The Defendant's last day to file responsive pleading to the Complaint
2 is extended to December 7, 2007.

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4 IT IS SO STIPULATED AND AGREED.

5 DATED: September 20, 2007 **COMMUNITIES FOR A BETTER**
6 **ENVIRONMENT**

7
8 /s/
9 Philip Huang
 Counsel for Plaintiff

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11 DATED: September 20, 2007 **TRUTANICH • MICHEL, LLP**

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13 /s/
14 W. Lee Smith
 Counsel for Defendants

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16 DATED: 9/27, 2007

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20 Honorable Joseph C. Spero
21 United States Magistrate Judge
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